

Alexis Garcia, "The Church's Role in the Sanctuary Movement", AmeriQuests 13.1 (2017)

The history of the sanctuary movement reflects an age-old tradition of mobilizing religious authority to challenge and supplement an imperfect legal system. The traditional Judeo-Christian conception of sanctuary evolved into the New Sanctuary Movement. The Catholic Church's ancient biblical texts along with its early experiences protecting refugees in the United States dating back to the mid-19<sup>th</sup> century, paved the way for the current nationwide movement whose efforts can have significant legal and political implications.

The practice of sanctuary has its roots in ancient biblical text and tradition.<sup>1</sup> With the rise of the Roman Empire, the biblical conception of sanctuary spread to other groups in surrounding areas<sup>2</sup>. According to scholars, the Theodosian Code provided the first legal reference to sanctuary within the Christian conception of the term.<sup>3</sup> Eventually, the Anglo-Saxons, the group of peoples who inhabited England from the 5th century until the Norman Conquest, accepted the practice of sanctuary.<sup>4</sup> Rather than depending on an imperfect secular legal system, the group relied on natural law to guarantee justice, fairness, and provide protection to individuals "who were at the mercy of blood vengeance."<sup>5</sup>

Although the privilege of sanctuary was not formally integrated into United States judicial system, numerous American experiences laid the foundation for the Sanctuary Movement that would eventually appear in the early 1980s.<sup>6</sup> For example, activists claimed that their Movement was connected to the Underground Railroad, a network of a few churches and people who provided a sanctuary to slaves throughout the 1850s.<sup>7</sup> In the Vietnam War Era, a few religious leaders opened their church doors to conscientious objectors who did not wish to return to the fighting overseas.<sup>8</sup> Only a few years later, many churches served as key actors of the 1980s Sanctuary Movement.

In 1982, the Sanctuary Movement emerged in the United States largely with the aid of the Catholic Church and other religious institutions. According to one commentator, the "church community was awakened by the U.S. government's refusal to harbor refugees fleeing U.S. sponsored civil wars and extensive human rights atrocities throughout Central America, primarily those from El Salvador and Nicaragua."<sup>9</sup> Nationally, Catholics represented one of the

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<sup>1</sup> Pamela Begaj, *An Analysis of Historical and Legal Sanctuary and a Cohesive Approach to the Current Movement*, 42 *J. Marshall L. Rev.* 135, 137-38 (2008). (providing numerous references to the concept of sanctuary in ancient biblical texts).

<sup>2</sup> *Id.*

<sup>3</sup> See Begaj, *supra* note 1, at 140. (indicating that "eligibility for asylum depended on both the nature of the crime and the character of the accused.").

<sup>4</sup> See Begaj, *supra* note 1, at 140.

<sup>5</sup> See Begaj, *supra* note 1, at 140.

<sup>6</sup> See Aaron Bekemeyer, *The Acme of the Catholic Left: Catholic Activists in the US Sanctuary Movement, 1982-1992*, B.A. Thesis, University of Michigan, 2012, 11 (indicating various events throughout U.S. history, which sowed the seeds for the Sanctuary Movement established in the 1980s).

<sup>7</sup> Begaj, *supra* note 1 at 142; See also Bekemeyer, *supra* note \_\_, at 11 (stating that many 1980s advocates believed that the Movement was connected to the Underground Railroad activities occurring in the 19<sup>th</sup> century).

<sup>8</sup> See THE PUBLIC SANCTUARY MOVEMENT: AN HISTORICAL BASIS OF HOPE: ORAL HISTORIES, (Eileen M. Purcell eds., SANCTURY ORAL HISTORY PROJECT) (2007), <http://www.share-elsalvador.org/wp-content/uploads/Sanctuary-Book-1-FOOTNOTED.pdf> (indicating that these leaders describe their actions as providing sanctuary to the objectors).

<sup>9</sup> Sophie H. Pirie, *The Origins of Political Trial: The Sanctuary Movement and Political Justice*, 2 *YALE J. L. & HUMANITIES* 381, 382 (1990).

most prominent groups participating in the Sanctuary Movement.<sup>10</sup> Throughout the 1980s, Catholic bishops, priests, nuns, and lay people, openly supported the Movement in both their actions and words. For example, Catholic activists were integral to the protection and smuggling of many illegal aliens across the border.<sup>11</sup> Various bishops, in both individual and collective capacities, issued statements supporting the movement and challenging U.S. policies.<sup>12</sup>

In 2007, the movement was revived and aptly renamed the New Sanctuary Movement.<sup>13</sup> Despite the new name, many of the same religious groups, including the Catholic Church, participated. These religious institutions again demonstrated their commitment to provide sanctuary, have offered a place of safe refuge to various illegal immigrants facing deportation.<sup>14</sup>

Over the past year, the Catholic Church has continued to carry out its important role within the New Sanctuary Movement. On various occasions, Pope Francis and Catholic bishops have spoken out in support of refugees and called for greater protection for illegal immigrant children.<sup>15</sup> In April of 2016, U.S. Catholic bishops held a church service along the U.S.-Mexico border further promoting their support of refugees. Such public statements and actions actively inform and encourage the political and social beliefs of the Church's numerous parishioners in the United States. A short passage from Dr. Stephen D. Mumford's book, *American Democracy and the Vatican*, describes the strength of the Catholic Church on U.S. immigration policies:

[W]henver any issue arises in Congress that affects Catholic interests, a seasoned lobbyist in priestly garb is likely to appear in a Congressman's office reminding the legislator that 52 million Catholics in America feel thus and so about this matter. . . [s]hould he not comply, Catholic pressures can be mortally effective in swinging any close election against him.<sup>16</sup>

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<sup>10</sup> See Bekemeyer, *supra* note 6, at 5 ("Near the peak of national participation in August 1988, of an estimated 464 sanctuaries around the country, 78 were Catholic communities—the largest number provided by any single denomination.").

<sup>11</sup> See e.g., Bekemeyer, *supra* note 6, at 79 (describing how Bishop John Fitzpatrick established Casa Romero in Benito, Texas, a public sanctuary whose volunteers smuggled and transported aliens across borders into the United States.)

<sup>12</sup> See e.g., Marita Hernandez & Laurie Becklund, *Mahony Unveils Church Policy on Illegal Aliens*, L.A. TIMES (Oct. 06, 1988), [http://articles.latimes.com/1988-10-06/local/me-4293\\_1\\_illegal-immigrants](http://articles.latimes.com/1988-10-06/local/me-4293_1_illegal-immigrants) (highlighting some of the influential statements made by Archbishop Roger M. Mahony).

<sup>13</sup> See Puck Lo, *Inside the New Sanctuary Movement That's Protecting Immigrants From Ice*, THE NATION (May 06, 2015), <https://www.thenation.com/article/inside-new-sanctuary-movement-thats-protecting-immigrants-ice/> (providing an extensive background on the new sanctuary movement).

<sup>14</sup> See Begaj, *supra* note 1, at 146-48 (discussing the high-profile sanctuary case of Elvira Arellano, an undocumented immigrant who took refuge in a church to avoid a federal deportation order).

<sup>15</sup> Josephine Mckenna, *Pope Francis: End the 'racist and xenophobic' approach to migrants along U.S.-Mexico border*, WASHINGTON POST (July 15, 2014), [https://www.washingtonpost.com/national/religion/pope-francis-end-the-racist-and-xenophobic-approach-to-migrants-along-us-mexico-border/2014/07/15/fccc87d0-0c50-11e4-bc42-59a59e5f9e42\\_story.html?utm\\_term=.9d5e652198f5](https://www.washingtonpost.com/national/religion/pope-francis-end-the-racist-and-xenophobic-approach-to-migrants-along-us-mexico-border/2014/07/15/fccc87d0-0c50-11e4-bc42-59a59e5f9e42_story.html?utm_term=.9d5e652198f5) (giving an overview of the various statements made by Pope Francis and other Catholic leaders regarding U.S. executive actions).

<sup>16</sup> Stephen D. Mumford, *Influence of the Catholic Hierarchy on U.S. Policy Making*, CHURCH & STATE (March, 29, 2012), <http://churchandstate.org.uk/2012/03/how-the-vatican-influences-us-policy/>.

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The Church's role in the U.S. Sanctuary Movement illustrates how religious authority can effectively supplement an imperfect immigration legal system in ways that are reminiscent of actions taken by religious groups and organizations from past eras.